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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,894	03/15/2004	Suzzy Rex	1360	8317

7590 11/29/2005

Law Offices of John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,894

Applicant(s)

REX ET AL.

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15, 16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, 18 is/are rejected.
- 7) ☒ Claim(s) 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 11 is withdrawn in view of the newly discovered reference(s) to Blanco (USPN 5338128). Rejections based on the newly cited reference(s) follow.

Claim Objections

Claims 18 and 19 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15 and 16. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al (PGPub 20040261204) in view of Leas (USPN 2624061) in further view of Blanco (USPN 533128) and further in view of Henson (USPN 3423781).

Pears ('204) teaches a scrubber comprising a handle (14), a head (20) attached to the handle, an internal battery (22) and a motor (16). There is a linear extension handle (31) removably attached to the handle by threading means (30a).

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Pears ('204) teaches all the essential elements of the claimed invention however fails to teach three extension arms, wherein one is linear, one is curvilinear and one is angled. Pear also fails to teach a slot and pin locking mechanism for attaching the extension arm to the handle.

Leas ('061) teaches cleaning tool comprising an angular extension arm (14) while Blanco ('128) teaches a tool comprising a curvilinear extension arm (24).

It would have been obvious to modify Pears ('204) cleaning tool so that an angular and curvilinear extension arm could be used as taught by Leas ('061) and Blanco ('128). An angular extension arm would allow the cleaning tool of Pears ('204) to clean award to reach places, for instance under beds and bureaus or the tops of closets and tall bookcases (Leas, col. 1, lines 1-5). A curvilinear extension arm would align the cleaning tool of Pears ('204) parallel with a vertical surface being cleaned therefore, allowing sufficient pressure to be applied to the tool which would provide the best cleaning results.

As for the pin and slot connection between the handle and the extension, Henson ('781) teaches a handle extension comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at the distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arms and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pears ('204), Leas ('061) and Blanco's ('128) extension arms so that a pin and slot mechanism are used on the handle and extension arms as taught by Henson ('781). Since the threading means and the pin and slot means are both attachment mechanisms and were art-recognized equivalents at the time the

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invention was made, one of ordinary skill in the art would have found it obvious to substitute pin and slot for threading.

Claims 11-13, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al (PGPub 20040261204) in view of Leas (USPN 2624061) in further view of Kussman (USPN 2753579) and further in view of Henson (USPN 3423781).

Pears ('204) teaches a scrubber comprising a handle (14), a head (20) attached to the handle, an internal battery (22) and a motor (16). There is a linear extension handle (31) removably attached to the handle by threading means (30a). The scrubber is capable of cleaning hard to reach places whether high or low.

Pears ('204) teaches all the essential elements of the claimed invention however fails to teach three extension arms, wherein one is linear, one is curvilinear and one is angled. Pear also fails to teach a slot and pin locking mechanism for attaching the extension arm to the handle.

Leas ('061) teaches cleaning tool comprising a tool attached to a first linear extension (22) attached to an angular extension arm (14) which is further attached to a second linear extension arm (21). Kussmann ('579) teaches a tool comprising an extension arm with a curvilinear section (16) attached to an angular section (17) further attached to linear section (17).

It would have been obvious to modify Pears ('204) cleaning tool so that an angular and curvilinear extension arm could be used as taught by Leas ('061) and Kussmann ('579). An angular extension arm would allow the cleaning tool of Pears ('204) to clean awkward to reach places, for instance under beds and bureaus or the tops of closets and tall bookcases (Leas, col. 1, lines 1-5). Modifying Leas' ('061) first angular extension with a curvilinear section as taught by Kussmann ('579) and then further replacing the linear extension arm of Pears ('204) with the

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modified extension arm of Leas ('061) in view of Kussmann ('579), where a curvilinear extension arm is attached to an angular extension arm attached to a linear extension arm, would allow the cleaning tool of Pears ('204) to align perfectly square with the floor (Kussmann, col. 2, lines 65-66).

As for the pin and slot connection between the handle and the extension, Henson ('781) teaches a handle extension comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at the distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arms and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pears ('204), Leas ('061) and Kussmann's ('128) extension arms so that a pin and slot mechanism are used on the handle and extension arms as taught by Henson ('781). Since the threading means and the pin and slot means are both attachment mechanisms and were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute pin and slot for threading.

Allowable Subject Matter

Claims 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16 and 19 teach that when the curvilinear extension is attached to the angle extension a U-shaped is formed for reaching elevated and recessed areas.

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None of the references teach these limitations and therefore, they are free from the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

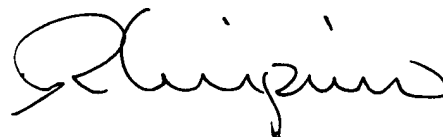
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Slb

11/21/05



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